

REFERENCE TITLE: workers' compensation law; technical correction

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

# HCR 2005

Introduced by  
Representative Weiers J

## A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XVIII, SECTION 8, CONSTITUTION OF ARIZONA; RELATING TO WORKERS' COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the  
2 Senate concurring:

3       1. Article XVIII, section 8, Constitution of Arizona, is proposed to  
4 be amended as follows if approved by the voters and on proclamation of the  
5 Governor:

6           8. Workers' compensation law

7       Section 8. A. The legislature shall enact a ~~workmen's~~  
8 ~~WORKERS'~~ compensation law applicable to ~~workmen~~ WORKERS engaged  
9 in manual or mechanical labor in all public employment whether  
10 of the state, or any political subdivision or municipality  
11 thereof as may be defined by law, and in ~~such~~ ALL private  
12 employments as the legislature may prescribe by which  
13 compensation shall be required to be paid to any such ~~workman~~  
14 WORKER, in case of ~~his~~ THE WORKER'S injury and to ~~his~~ THE  
15 WORKER'S dependents, as defined by law, in case of ~~his~~ THE  
16 WORKER'S death, by ~~his~~ THE WORKER'S employer, if in the course  
17 of such employment personal injury to or death of any such  
18 ~~workman~~ WORKER from any accident arising out of and in the  
19 course of, such employment, is caused in whole, or in part,  
20 or is contributed to, by a necessary risk or danger of such  
21 employment, or a necessary risk or danger inherent in the nature  
22 thereof, or by failure of such employer, or any of ~~his or its~~  
23 THE EMPLOYER'S agents or ~~employee or~~ employees to exercise due  
24 care, or to comply with any law affecting such employment.  
25 ~~, provided that~~

26       B. It shall be optional with any employee engaged in any  
27 such private employment to settle for such compensation, or to  
28 retain the right to sue ~~said~~ THE employer or any person employed  
29 by ~~said~~ THE employer, acting in the scope of ~~his~~ THE PERSON'S  
30 employment, as provided by this constitution. ~~, and, provided~~  
31 ~~further,~~ In order to assure and make certain a just and humane  
32 compensation law in the state of Arizona, for the relief and  
33 protection of such ~~workmen, their~~ WORKERS OR THE WORKERS'  
34 widows, children or dependents, as defined by law, from the  
35 burdensome, expensive and litigious remedies for injuries to or  
36 death of such ~~workmen~~ WORKERS, now existing in the state of  
37 Arizona, and producing uncertain and unequal compensation  
38 therefor, such employee, engaged in such private employment, may  
39 exercise the option to settle for compensation by failing to  
40 reject the provisions of such ~~workmen's~~ WORKERS' compensation  
41 law prior to the injury, except that if the injury is the result  
42 of an act done by the employer or a person employed by the  
43 employer knowingly and purposely with the direct object of  
44 injuring another, and the act indicates a wilful disregard of  
45 the life, limb or bodily safety of employees, then such employee

1        ~~may~~, after the injury, **MAY** exercise the option to accept  
2 compensation or to retain the right to sue the person who  
3 injured ~~him~~ **THE EMPLOYEE**.

4            C. The percentages and amounts of compensation provided  
5 in house bill no. 227 enacted by the seventh legislature of the  
6 state of Arizona,~~—~~ shall never be reduced nor any industry  
7 included within the provision of ~~said THAT~~ house bill no. 227  
8 eliminated except by initiated or referred measure as provided  
9 by this constitution.

10          2. The Secretary of State shall submit this proposition to the voters  
11 at the next general election as provided by article XXI, Constitution of  
12 Arizona.